

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE: Assigned
 OTHER MINOR OFFENSE MO ☐
 OTHER MISDEMEANOR Mis ☐
 FELONY Fel ☒ 1085/4
 Dis./Sentence 8-20-76
 Office 8-20-76

TRUE NAME: JOHN LEONARD SMITH

vs. SMITH JOHN (Bond) (28)
 Route 1
 Oologah, Ok. 74053 (443-2715)
 (LAST, FIRST, MIDDLE)

Case Filed
 Mo. Day
 06 25

No. of Def's
 * 1

Cook

76-CR-84 - 1

Yr. Docket No. Def.

U.S. TITLE/SECTION

21:841(a)(1)

OFFENSES CHARGED

distribution of narcotic controlled
 substance
 (\$25,000 and/or 15 yrs., with special
 parole term of not less than 3 yrs)

ORIGINAL COUNTS

1

(Surety on Appeal: Bill J. Chenhall, Peerless
 Ins. Co. 587-1500
 624 S. Denver, Tulsa 74119)

SUPERSEDING
COUNTSU.S. MAG.
CASE NO.

BAIL • RELEASE

☐ AMT ☐ Fugitive
 Denied Set ☐ Pers. Recog.

2,500 ☒ PSA
 conditions

Date 6-25-76 ☒ 10% Deposit
☒ Surety Bond/C

☐ Bail Not Made ☐ Collateral
☐ Status Changed (See Docket) ☐ 3rd Prty Cust ☐ Other

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL
U.S. Custody Began 7-1-76	High Risk Date 6-25-76	7-2-76	Trial Set For 7-19-76
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea "	<input checked="" type="checkbox"/> NG <input type="checkbox"/> G <input type="checkbox"/> NOL
First Appearance	In Charging District	Final Plea 7-19-76	<input type="checkbox"/> G. Plea W/Drawn
	Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>		<input type="checkbox"/> NG <input checked="" type="checkbox"/> G <input type="checkbox"/> NOL

SENTENCE

Disposition of Charges
 8-20-76
☒ Convicted ☒ On All Charges
☐ Acquitted ☐ On Lesser * Offense(s)
☐ Dismissed: ☐ WOP: ☐ WP
☐ On Governm'ts Motion

MAGISTRATE		OUTCOME:
Search Warrant	Issued Return	<input type="checkbox"/> DISMISSED
Summons	Issued Served	<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Arrest Warrant Issued		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
COMPLAINT		
OFFENSE (In Complaint)		

U.S. Attorney or Asst.

Ben F. Baker

ATTORNEYS

Defense: ☒ CJA ☐ Set: ☐ Waived ☐ Self ☐ None / Other: ☐ PD ☐ CD

Ken Bradley 743-8931
 4815 S. Harvard
 Tulsa 74135

Prentice Thompson (Surety)
 Midland Ins. Co. 587-4509
 1437 N. Lansing
 Tulsa, OK 74106

* Show last names and suffix numbers of other defendants on same indictment/information:

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
6-25-76		Record vote of grand jury, filed in open court. rm	
6-25		Indictment, filed in open court. rm	
6-25		Warrant for arrest of def. issued. rm	
6-28		AO Form 257, filed. rm	
7-1		Magistrate's papers, filed, including information sheet, and waiver of counsel. hm	
7-1		Appearance bond in the amt. of \$2500 surety, filed. hm	
7-1		Order specifying methods and conditions of release, filed. hm	
7-1		MO: Case set for arr. & plea 7-2-76 at 9:30 a.m. (HDC-J) hm	
7-2		Case called for arr. & plea. Deft. present & rep.; govt. rep. Deft. acknowledges receipt of indictment. Gordon Patten allowed to rep. deft. for arr. only. Deft. arraigned & enters plea of NOT GUILTY. Deft. heretofore given until 7-8-76 to file motions; govt. 5 days thereafter to respond. Case set for jury trial 7-19-76 at 9:30 a.m. Deft. allowed to stand on present bond & is allowed to travel outside of this jurisdiction as job requires, over no obj. from govt. (HDC-J) hm (Deft. pleads true name as JOHN LEONARD SMITH).	2 6-25-76 M

DATE	76-CR-84 SMITH (DOCUMENT NO.)	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY			
				Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)
7-6-76	MO: Case set for PT hearing 7-12-76 at 1:20p.m. (HDC-J)hm						
7-8-76	W/Arrest, ret. & filed: deft. arrested 7-1-76. g			2	7-1-76	M	7
7-12	=Case called for pre-trial hearing. Deft. represented; govt. represented. Parties announce case to go to trial. (EST-1/2 day). (HDC-J)hm			3	7-12-76 7-12-76	E	1
7-19	Case called for jury trial. Deft. present and represented; govt. represented. Deft. changes plea from Not Guilty to GUILTY. Jury waived; jury waiver signed and filed in open court. Indictment read. Deft. sworn. Deft. adjudged GUILTY as charged. Sentence set 8-20-76 at 9:30 a.m. Deft. allowed to remain on present bond. (HDC-J)hm						
8-20	Case called for sentence. Deft. present & rep.; govt. rep. Deft. & counsel asked if they care to say anything before sentence is pronounced. Judgment & Sentence - JOHN LEONARD SMITH (28) Atty. Gen. - Two and one-half (2½) Years, & the deft. may become elig. for parole at such time as the U.S. Parole Comm. may determine as provided in T. 18, U.S.C.A., Sec. 4205(b)(2). IT IS FURTHER ORDERED that the deft. is sentenced to a special parole term of Four (4) Years, to commence at the expiration of the sentence imposed herein. (HDC-J)hm						
8-20	Judgment and Commitment, filed and entered. (HDC-J)hm						
8-20	Two c/c of J&C delivered to U.S. Marshal. hm						
8-27	Deft's mo/arrest judgment and imposition of sentence, filed. hm						
8-27	MO: Case set for hearing on deft's mo/arrest judgment & imp. of sentence 8-31-76 at 11:00 a.m. (HDC-J)hm (parties notified by phone)						
8-31	Case called for hearing on deft's mo/arrest judgment and imposition of sentence. Statements made. Deft. present & rep.; govt. rep. Motion overruled. Deft. announces intention of appealing from this ruling. Court sets appeal bond in amt. of \$10,000 cash or surety. Govt. to prepare order. (HDC-J)hm						
8-31	Appearance bond (on appeal) in amt. of \$10,000 surety, filed. rm						
8-31	Order, filed, specifying methods & conditions of release. (CSB-Mag)rm						
9-7	Order, filed and entered, denying def. mo/arrest judg. and setting appeal bond in amt. of \$10,000 (C/S). (HDC-J)rm-copies mailed						
9-9	Notice of appeal by def. from order of 9/7/76, filed. rm - copies to USCA & USA						

For Identifying
Periods of Exclud-
able Delay Per 18
U.S.C. 3161(h)A. Examination or
hearing for
mental or
physical in-
capacity (18
U.S.C. 4244).B. NARA Exam-
ination (28
U.S.C. 2902).C. State or Federal
trials on other
charges.D. Interlocutory
Appeals.E. Hearings on
pretrial motions.F. Transfers from
other districts
(per F.R.Cr.P.
Rules 20, 21
& 40).G. Defendant Mo-
tion is actually
under advisement. Period of
up to 30 days
is excludable
per
3161(h) (1) (G).H. Miscellaneous
Proceedings:
Probation or
Parole revoca-
tion, Deporta-
tion,
Extradition.I. Prosecution de-
ferred by
mutual agree-
ment.M. Unavailability
of defendant
or essential
witness.N. Period of men-
tal or physical
incompetence
of defendant to
stand trial.O. Period of
NARA Com-
mitment or
Treatment.P. Superseding
Indictment
and/or new
charges.R. Defendant
awaiting trial
of Co-defen-
dant when no
severance has
been granted.T. Continuances
Granted per
3161(h) (8)
(i.e. ends of
justice or com-
plexity of case
outweighs de-
fendants
interests).U. Time between
guilty plea and
plea with-
drawal.W. Grand Jury in-
dictment ex-
tended per
3161 (b).

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
9-9-76	Designation of record on appeal, filed. rm				
9-9-76	Reporter's transcript of proceedings had on 8/20/76 judgment and sentence, and motion to arrest judg. had on 8/31/76, filed. (T. Bloxom-CR)rm				
9-17	Reporter's transcript of proceedings had on 7/2/76 and 7/19/76, arraignment and plea and change of plea, filed. (T. Bloxom-CR)rm				
9-29	Original record on appeal (3 vols) transmitted to USCA. rm				
4-25-77	Mandate and Opinion of 10th Circuit, filed and spread of record, affirming Court's Judgment of 9/7/76.rm				
4-28	Amended Mandate of 10th Circuit, filed and spread of record, affirming ct.'s judg. of 9/7/76; recalling previous mandate and reissuing same, to addl. add that def. shall surrender himself to US Marshal within 10 days from this date in execution of judgment and sentence. rm				
4-28	Letter to counsel, def. and U.S. Marshal, re surrender of def. rm				
5-6	Deft's mot. for stay of judgment pending ruling by Supreme Court on application for Writ of Certiorari, filed.k O to J				
5-9	Appeal record (3 vols.) rec'd from USCA. g				
5-9	MO: Ordered by the Ct. That execution of sentence after mandate is stayed by the Ct. until 9:00 a.m., 5-10-77, at which time the Ct. will hear defts. motion for stay of judgment. (HDC-J) njb -- parties phoned.				
5-10	Order, filed, that execution of judgment is stayed until Certiorari is granted or denied, that the petition for Certiorari be submitted to Supreme Ct. by 5-19-77, further that deft. Smith remain under appellate bond which he is presently under, further if deft. fails to make appl. for said writ, he shall then appear before Judge HDC for execution of sentence forthwith. (HDC-J)ph 2 cc to Marshal, 1-US Atty, 1 Surety. (Atty for deft. to furnish deft. w/copy).				
6-20	Letter from Circuit that petition for writ of cert. was filed with Supreme Ct. on 5/23/77 and assigned No. 76-1743. rm				
10-14-77	Letter from 10th Circuit that petition for writ of cert. was denied on 10/3/77. rm				
11-15-78	2 c.c. of Order of 5/10/77 to U.S. Attorney for deliverance to U.S. Marshal. rm				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
	(Document No.)	(a)	(b)	(c)	(d)
12-14-78	Ret. of USM service of J&C, fld. Served by taking deft into custody at Tulsa Co. jail, Tulsa, OK, on 11-30-78 and delivering him to F.C.I. at El Reno Okla. on 11-30-78; delivered deft. to U.S.P. (Camp) at Leavenworth, KS, on 12-7-78.ra				